

PLANNING COMMISSION REPORT



MEETING DATE: September 28, 2005 ITEM No. _____ GOAL: Coordinate Planning to Balance Infrastructure

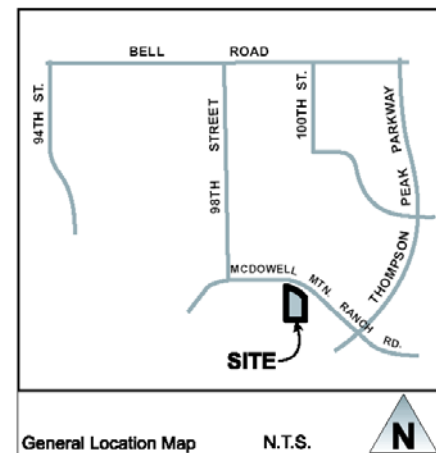
SUBJECT **Equestria Villas - 10-GP-2005, 16-ZN-2005**

REQUEST Request:

- 1) A major General Plan Amendment of the Land Use Element from Cultural/Institutional or Public Use to Urban Neighborhoods on a 4 +/- acre parcel located on the south side of McDowell Mountain Ranch Road, 1/4 mile west of Thompson Peak Parkway (9975 E McDowell Mountain Ranch Road).
- 2) A zoning amendment from Single Family Residential, Planned Community District, Environmentally Sensitive Lands (R1-35 PCD ESL) to Multi-family Residential, Planned Community District, Environmentally Sensitive Lands (R-5 PCD ESL) with amended development standards on a 4 +/- acre parcel located at 9975 E McDowell Mountain Ranch Road (west of Thompson Peak Parkway).

Key Items for Consideration:

- The proposed General Plan amendment is consistent with the character, land use intensity, and goals for future development in this area of the city.
- One letter of opposition has been received regarding increased traffic levels using McDowell Mountain Ranch Road. Many of the issues associated with a prior 2003 case on the site for Employment and Industrial use, have been resolved.
- The General Plan and rezoning cases are being considered in conjunction. A separate General Plan (12-GP-2005) and rezoning case (13-ZN-2005) are also being considered for the adjoining property to the south and west.



Related Policies, References:

The area is located within the Horseman's Park East Planned Community District (PCD) zoning district. The Horseman's Park East PCD provides a maximum allowable floor area ratio and building setbacks, overall development guidelines and provisions for protection of the Verde Canal.

Related Policies, References:

- Case 33-ZN-2000 – created the Horseman's Park Planned Community District (PCD) in the area in 2000.
- Case 3-GP-2003 and 11-ZN-2003 proposed to amend the General

Plan to Employment to support Industrial District, which was withdrawn by the applicant due to neighborhood concern.

OWNER	Judy A Thomas Family Trust 480-948-3590
APPLICANT CONTACT	John Thomas 480-948-3590
LOCATION	9975 E McDowell Mountain Ranch Rd, west of the southwest corner of McDowell Mountain Ranch Road and Thompson Peak Parkway
BACKGROUND	<p>Zoning.</p> <p>The site is zoned Single Family Residential (R1-35 PCD ESL) District, and is situated within a Planned Community Development (PCD) known as Horseman's Park East and is contained in the Environmentally Sensitive Lands area.</p> <p>General Plan.</p> <p>The General Plan Land Use Element currently designates the property as <u>Cultural/Institutional and Public Use</u>. This land use category provides for a variety of public and private facilities including government buildings, schools, private and public utilities, and airports, and includes facilities such as the WestWorld Equestrian Facility.</p> <p>The proposal is to modify the General Plan to <u>Urban Neighborhoods</u> category. This "includes areas of multi-family dwellings/apartments. Densities in Urban Neighborhoods are usually more than eight dwellings per acre. These high-density uses are generally located near retail centers, offices, or other compatible non-residential uses. Care must be taken to minimize impacts on other residential areas and to provide adequate circulation to accommodate the traffic volumes. Access to transportation choices (e.g. pedestrian, bicycle, transit, etc.) is a key consideration for urban neighborhoods. Areas containing high-density residential development should have minimal environmental constraints."</p> <p>Context.</p> <p>This site is situated south of McDowell Mountain Ranch Road, ¼ mile west of Thompson Peak Parkway. The surrounding property is zoned:</p> <ul style="list-style-type: none">• West, Single Family Residential (R1-35 PCD ESL) (Winstar Pro) and Western Theme Park (W-P) zoning for WestWorld to the southwest, with the General Plan Land Use Category of Cultural/Institutional,• South, Single Family Residential (R1-35 ESL), currently under State ownership (see Winstar Pro application), with the General Plan Land Use Category of Cultural/Institutional,• East, Planned Convenience Center (P.Co.C ESL) for the Giant gas station with the General Plan Land Use Category of Commercial, and McDowell Mountain Ranch, (R1-5 ESL) located ¼ mile to the east across Thompson Peak Parkway along with the Dakota Apartments (R-5) toward the northeast, with the General Plan Land Use Category of Suburban Neighborhoods,

- **North**, Single Family Residential (R1-5 PCD ESL), Horseman's Park Subdivision, across McDowell Mountain Ranch Road, with the General Plan Land Use Category of Urban Neighborhoods.

APPLICANT'S
PROPOSAL

Goal/Purpose of Request.

The request is to amend the General Plan and rezone the site as noted below.

General Plan Amendment

The applicant proposes to amend the General Plan designation from Cultural Institutional and Public Use to Urban Neighborhoods. The proposed Urban Neighborhoods Category is compatible with this area and will not create a negative impact on the surrounding residential areas. Some concern is expressed that additional residential development may affect WestWorld due to characteristics associated with equestrian activities and related large public events. Existing residential use is situated to the north and separated by McDowell Mountain Ranch Road and should not be adversely impacted by this designation. The Urban Neighborhoods category allows for the proposed zoning category of Multi-family Residential (R-5) District for the site. The Horseman's Park East PCD provides guidelines including a maximum Floor Area Ratio (FAR.) of 0.40 for site development and policies related to protecting the Verde Canal.

Rezoning

The request is to rezone the site from Single Family Residential (R1-35) to Multi-family Residential (R-5) District. The intent of the rezoning is to permit development of multi-family uses such as townhouses, apartments or condominium uses on the site. The conceptual site plan provides access from McDowell Mountain Ranch Road along the north side of the site with internal driveway serving the site containing residential building, parking lot areas and open space on the site.

The existing road network is capable to accommodate the additional traffic, however the increased traffic has been expressed as a concern by the neighborhood north of the site. The Horseman's Park East PCD provides that the maximum allowable Floor Area Ratio (FAR) of 0.40, while maximum building height is 36 feet. The Verde Canal and proposed public trail easement runs through the site from northwest to the southeast corner of the site and will be addressed as an open space.

Key Issues.

- The general plan and zoning request is generally compatible with the surrounding residential uses. Development of residential use on this property may in the future potentially conflict with the equestrian character and public use of the WestWorld equestrian facility.
- The Horseman's Park Subdivision is located along the north side of McDowell Mountain Ranch Road and McDowell Mountain Ranch Master Planned Community is approximately 1,400 feet east of the site, across Thompson Peak Parkway.
- The Horseman's Park East PCD provides for the protection of the Verde Canal, as a historical/archeological resource for the City of Scottsdale. Provision of public trail easement along the Canal is also specified.

- Previous issues related to a request for a general plan amendment and rezoning of this site in 2003 have been largely resolved with this request.

Development information.

- *Existing Use:* Undeveloped site containing desert vegetation and the Verde Canal
- *Buildings/Description:* Proposed 2 and 3 story multi-family units
- *Parcel Size:* 3.92 +/- acre (net) property, (4.31 acres gross)
- *Building Height Allowed:* 36 feet above natural grade per ESL, proposed townhouses will be 2 and 3 stories and have heights of 28 to 36 feet
- *Existing Building Height:* None
- *Density:* The conceptual site plan provides for 78 to 85 townhouse units more or less, or 18.3 to 20 DU/Acre
- *Floor Area:* Maximum allowable 0.40 per PCD
- *Other:* Protection of the Verde Canal and provision of public trail easement

**GENERAL PLAN
ANALYSIS****Land Use Element:**

The designation of Cultural/Institutional for this area of the city was established for the WestWorld equestrian facilities to the area south and west of this property. It was originally anticipated that this general area would include a mixture of uses focusing on the equestrian facilities and recreation and tourism facilities supporting the WestWorld complex. The applicants are requesting the site be used for high-density residential uses.

Analysis:

This property is surrounded by a variety of General Plan Land Use Categories including Cultural Institutional, Commercial and both Urban and Suburban Neighborhoods. WestWorld is a developed equestrian facility, providing amenities for both visitors and residents with large-scale special events held on the site. Development of sites surrounding WestWorld must recognize the potential impacts of the keeping, care and feeding of horses and associated special events. Adequate buffering to screen views as well as for noise, lighting and odor must be integrated with the development of adjacent residential areas.

Consideration of the McDowell Mountain Ranch subdivision toward the east and Horsemen's Park subdivision to the north is also important with respect to determining the land use designation of the subject site. The Verde Canal and proposed multi-purpose trail are identified as a resource and should be maintained as a preservation corridor in the site planning and development. The site is located within the Lower Desert Landform of the ESL Ordinance and will require the dedication of Natural Area Open Space in accordance with the ESL provisions of the Zoning Ordinance.

REZONING ANALYSIS

Traffic.

A Transportation Impact Mitigation Analysis is being conducted for this site. The preliminary assessment concludes that the development of the approximate 4-acre site in conjunction with the larger Winstar Pro site for multi-family residential purposes will generate about 3,180 vehicles per day, of which 246 and 318 trips will be generated at the AM and PM peak hours, respectively. Currently McDowell Mountain Ranch Road (45-foot wide half street Major Collector) is carrying 4,600 vehicles per day; it has a design capacity of 35,000 vehicles per day. The signalized intersection of Thompson Peak Parkway and McDowell Mountain Ranch Road will continue to operate at an acceptable level of service with the addition of the site-generated traffic. Improvements to McDowell Mountain Ranch Road are stipulated with this case.

Water/Sewer.

City sewer and water facilities exist within McDowell Mountain Road, along the frontage of the property. Sewer and water connections will be provided from the site to the development at the developer's cost and will not impact on the existing system.

Fire.

The Fire Department has reviewed the application and indicates adequate fire protection access is provided to the site.

Schools District comments/review.

The Scottsdale Unified School District has been notified of this application. No objections have been expressed regarding this proposal.

Open space, scenic corridors.

The Horseman's Park East PCD provides for the protection of the Verde Canal, which has been identified as a historical/archeological resource for the City of Scottsdale. Provision of public trail easement along the Canal is also specified. A stipulation provides for the modification and adjustment of the Verde Canal, subject to the approval of DRB.

Policy Implications.

The proposal conforms to the Horseman's Park East PCD that applies to this area with respect to FAR, circulation and maintenance of the Verde Canal. Recognition of the sites proximity to WestWorld is also considered.

Community Involvement.

A Neighborhood Open House was held on August 11, 2005 at Horizon Park Center following notification by mail on July 25th to 160 property owners and interested citizens, situated within a 750 plus-foot radius of the site. Included within the mailing were letters to Arizona State Land Department the McDowell Mountain Ranch Homeowners Association. In addition, a Project Under Consideration sign was posted on the site on July 26th advising of the time and locations of the Neighborhood Open House meeting. Approximately eight (8) neighbors attended the Open House. No objections were received

and neighbors noted preference for the proposed multi-family use of the site and concern was expressed for the previous proposal for industrial use of the site. (See Attachment #8)

Community Impact.

Adjoining uses include residential, commercial and western theme park while the proposed use is to accommodate multi-family residential development. The general plan amendment and rezoning will result in improvement of an existing undeveloped area, and development of townhouse condominium or apartment uses. This use is reasonably compatible with uses in the vicinity and preferred by adjoining residential neighbors over the original industrial use proposed in 2003. WestWorld has expressed some concern regarding potential issues related to objections from future residents within this at project the equestrian character and associated public event activities occurring at WestWorld (lights, dust, odor, noise and traffic).

PLANNING
COMMISSION

Remote Hearing.

At the Planning Commission Remote hearing on August 24, 2005, no citizen comment cards were received. The Commission inquired about the status of the Verde Canal and whether it needs to remain in place or could be modified as part of the development process. Staff indicated that the intent was to protect the feature, however noted that a previous case in Horseman's Park West had allowed the modification and relocation of the canal where the general integrity and purpose of the canal was maintained and when the associated multi-use trail was dedicated.

STAFF
RECOMMENDATION

Recommended Approach:

Staff recommends approval, subject to the attached stipulations.

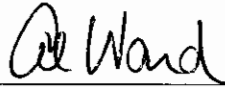
RESPONSIBLE
DEPT(S)

Planning and Development Services Department
Current Planning Services

STAFF CONTACT(S)

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Senior Planner
480-312-7067
E-mail: award@ScottsdaleAZ.gov

APPROVED BY



Al Ward, AICP
Report Author



Randy Grant
Chief Planning Officer

ATTACHMENTS

1. Applicant's Narrative
2. Context Aerial
- 2A. Aerial Close-Up
3. Existing Land Use Map
- 3A. Proposed Land Use Map
4. Zoning Map
5. Stipulations
6. Additional Information
7. Citizen Involvement
8. City Notification Map
9. August 24, 2005 Planning Commission Minutes
10. Site Plan

Request for General Plan Amendment for:

The Thomas Property

Scottsdale, Arizona

Project No: 247-PA-05
Case No: 10-GP-05
Project coordinator: Al Ward
Owner: Judy A. Thomas Trust
Applicant Contact: John G. Thomas (480) 948-3590
Submitted: April 22, 2005
Revised: June 15, 2005

INTRODUCTION.

Request. Amend the General Plan – Land Use Element for the subject property from “Cultural/Institutional” to “Urban Neighborhoods.” Supplemental material on each shall be submitted at a later date with guidance from the project coordinator.

Location. The subject property is located at 9975 McDowell Mountain Ranch Rd, approximately one-quarter mile west of Thompson Peak Parkway on the south side of McDowell Mountain Ranch Road generally northeast of Westworld. The site is within the Horeseman’s Park East PCD Area. The site is not within McDowell Mountain Ranch.

Site Conditions. The approximately 4 acre site is generally level with a non-functioning wash running through and the Old Verde Canal bisecting the property. Native vegetation is found predominantly around the canal and includes saguaro and cholla cactus, mesquite and palo verde trees.

Surrounding Land Uses. The subject property is in a unique location within the City of Scottsdale surrounded by a variety of land uses including Westworld to the southwest, McDowell Mountain Ranch master planned community to the east and a mix of residential and employment uses to the north and west.

GENERAL PLAN AMENDMENT CHECKLIST.

The following items are provided pursuant to the “Checklist” items submitted by the project coordinator at the preapplication meeting, and “30 Day Letter” received from the project coordinator on May 26th, 2005.

Item 1 – General Plan Amendment (GPA) Checklist.
[Submitted with application]

Item 2 – Completed Application Form.

[Submitted with application]

Item 3 – GPA Application Fee.

[Submitted with application]

Item 4 – GPA Neighborhood Involvement Program.

The following is an outline of the proposed Neighborhood Involvement Program as defined in the GPA checklist: 1) letter/mailed notice, 2) project under consideration sign, 3) open house meeting(s).

Item 5 – Context Graphics, Plans & Photographs in Relation to Surrounding Properties.

See enclosed photographs. An aerial photograph depicting the subject in relation to the surrounding properties is also enclosed.

Item 6 – Context Graphics and/or Tables.

- a. Existing General Plan Land Use, transportation, character, and/or open space for the subject and surrounding properties.
- b. Graphic 2: Proposed General Plan designation(s) for the subject property and all existing General Plan designations that will remain. *“Urban Neighborhoods.”* Total acreage of the General Plan designation(s) being proposed: *[approximately 3.9 acres]*.

Item 7 – Narrative Description, Analysis and Justification for Support.

Character and Lifestyle. The future development plan will be a quality design and will be an exceptional place to either work or reside, depending upon the ultimate use. In order to further the preservation of Scottsdale’s unique southwestern character, the plan will also consider the relocation of and utilization of the Old Verde Canal to be incorporated into the trail system proposed the City of Scottsdale.

Land Use and Compatibility. The applicant is justified in applying for its change of use because virtually every other use surrounding Westworld is urban neighborhoods. There are currently no other single family residences or land not currently under application for GP Amendment that border Westworld.

Either the urban neighborhood use adequately transition the more intense use of Westworld to the south, the City of Scottsdale operated events and entertainment venue. McDowell Mountain Ranch Road and the SR zoning to the north of the subject is a buffer to either of Thomas’ proposed uses. The vacant land adjacent to the subject’s eastern boundary is currently zoned PCOC, a retail/commercial type use that wraps around the gasoline station and convenience store on the west corner of Thompson Peak Parkway and McDowell Mountain Ranch Rd – normally a transitional use would border this type of property, not single family

homes. The State Land adjacent to the subject's southern boundry is scheduled for public auction in the Fall of 2005 – a recent public appraisal concludes with substantial analysis that the highest and best use of the state land is multi-family residential (urban neighborhoods). The land to the west and south of the subject is currently under application for GP Amendment for uses similar to the subject.

Compatibility: If developed today, the subject parcel has a current zoning which would allow for approximately 1 home per acre - not a land use that is not compatible with 5 of the 6 immediately adjacent uses. The current zoning is a carryover from the former county zoning prior to the City's annexation of the property many years ago. The factors that have occurred since are: 1) the implementation and expansion of Westworld from a local and community equestrian facility into a regional and national events and entertainment venue, promoting private enterprise as an economic venture, 2) the creation of such transportation corridors such as Thompson Peak Parkway, McDowell Mountain Ranch Road, and the 101 Freeway, 3) the development of the industrial centers along the northwestern and southwestern borders of Westworld, 4) the development of multi-family residential development along the subject's entire southern boundry and along Westworld's planned northern border, as well as directly northeast of the subject site, and 5) the planned development of the Aquatic Center.

The land use designation of "*urban neighborhoods*" is compatible with other uses in the neighborhood, striking a balance between the uses of Westworld and other residential uses. Such use is found directly to the northeast of the subject, and along virtually the entire southern border of Westworld, along the northern planned border, and northeast of the subject.

Economic Vitality and Future City Growth.

Moreover, the urban neighborhood use will add high quality housing stock to the neighborhood at relative affordability, and thus more high quality residents to stimulate economic activity through consumer or small business activity.

The proposed amendment to *urban neighborhoods* enhances and protects neighborhoods and ensures and sustains their quality of life by creating a safe, clean, and visually attractive environment for families to thrive in relative affordability. The change to urban neighborhoods positively affects and implements the neighborhood's character by creating additional neighbors who will share its vision at a density compatible with other uses surrounding Westworld. The plan will allow alternate modes of transportation for local residents/employees as well as enhance the landscape and architectural character established by residential and non-residential uses.

Open Space. In order to promote harmony with the natural desert surroundings, the applicant recognizes that the site is within an ESL designated area and provides for certain NAOS requirements. Further, the plan will also consider the relocation of and utilization of the Old Verde Canal to be incorporated into the trail system proposed the City of Scottsdale.

Sustainability. This is an ideal site for multimodal transportation and use of established infrastructure improvements due to the fact that most of the area infrastructure is already in place. In order to mitigate concerns that Westworld may have regarding the *urban neighborhoods* use, the applicant would stipulate to issuing proper disclosures to prospective residents of the project.

Transportation.

The *urban neighborhood* use offers predictability in peak use trips with moderate activities throughout the day and on weekends. Both uses will provide an opportunity for employees/residents to walk or bicycle to and from the site.

Item 8 – Land Use Impact Analysis.

*The *urban neighborhoods* use will have a positive impact by providing a transition between Westworld and the single family and multi-family uses in the neighborhood, and will have the future benefit of sustainable high quality housing stock for Scottsdale.

The following is a land use impact analysis between the existing and proposed General Plan designation utilizing the city's "Clean Zone Model" computer analysis.

	Existing Cult/Inst	Proposed Multi-Family Residential
Dwelling Units	---	82
Floor Area	25,000 SqFt	69,696***
Population	---	133
School Children	---	35
Water Use	3 Acre Ft/Yr	47
Wastewater	1 Acre Ft/Yr	16
Solid Waste	4 Tons/Yr	110
Vehicle Trips	80/Day	883*
Employees	6	3****

* Note that a T.I.M.A study will be prepared for this proposal as part of the future rezoning request(s).

** Based on a Floor Area Ratio of 30%.

*** Based on a Floor Area Ratio of 40% Maximum for Horeseman's Park East PCD Area as provided by Project Coordinator.

**** Clean Zone Model provides for 98 employees which applicant believes may be a technical error.

EQUESTRIA VILLAS

REZONING PROJECT NARRATIVE

Request to Rezone from R1-35 to R-5 Case # 304-PA-05

I. Project Overview.

This application requests approval of a zoning change from Single Family Residential/Planned Community District/ Environmentally Sensitive Lands (R1-35 PCD ESL) to Multi-Family Residential (R-5) on approximately 4 acres at 9975 McDowell Mountain Ranch Road, Scottsdale. The property is owned by The Judy A. Thomas Trust who proposes to develop the Property with either luxury condominiums/townhouses (“Equestria Villas” aka “Equestria”)

A request for a Major General Plan Amendment from Cultural/Institutional to Urban Neighborhoods (the “Major GPA”) has already been submitted prior to this Rezoning request.

II. Location/Access.

The subject property is located at 9975 McDowell Mountain Ranch Rd, approximately one-quarter mile west of Thompson Peak Parkway on the south side of McDowell Mountain Ranch Road generally northeast of Westworld. The site is not within McDowell Mountain Ranch.

III. Property Characteristics.

The approximately 4 acre site is generally level with a non-functioning wash running through and the Old Verde Canal bisecting the property. Native vegetation is found predominantly around the canal and includes cactus, mesquite and palo verde trees.

IV. Proposed Project.

The future development plan will be a quality design and will be an exceptional place to reside. In order to further the preservation of Scottsdale’s unique southwestern character, the plan will also consider the relocation of and utilization of the Old Verde Canal to be incorporated into the trail system proposed the City of Scottsdale.

V. Compatibility with Surrounding Properties.

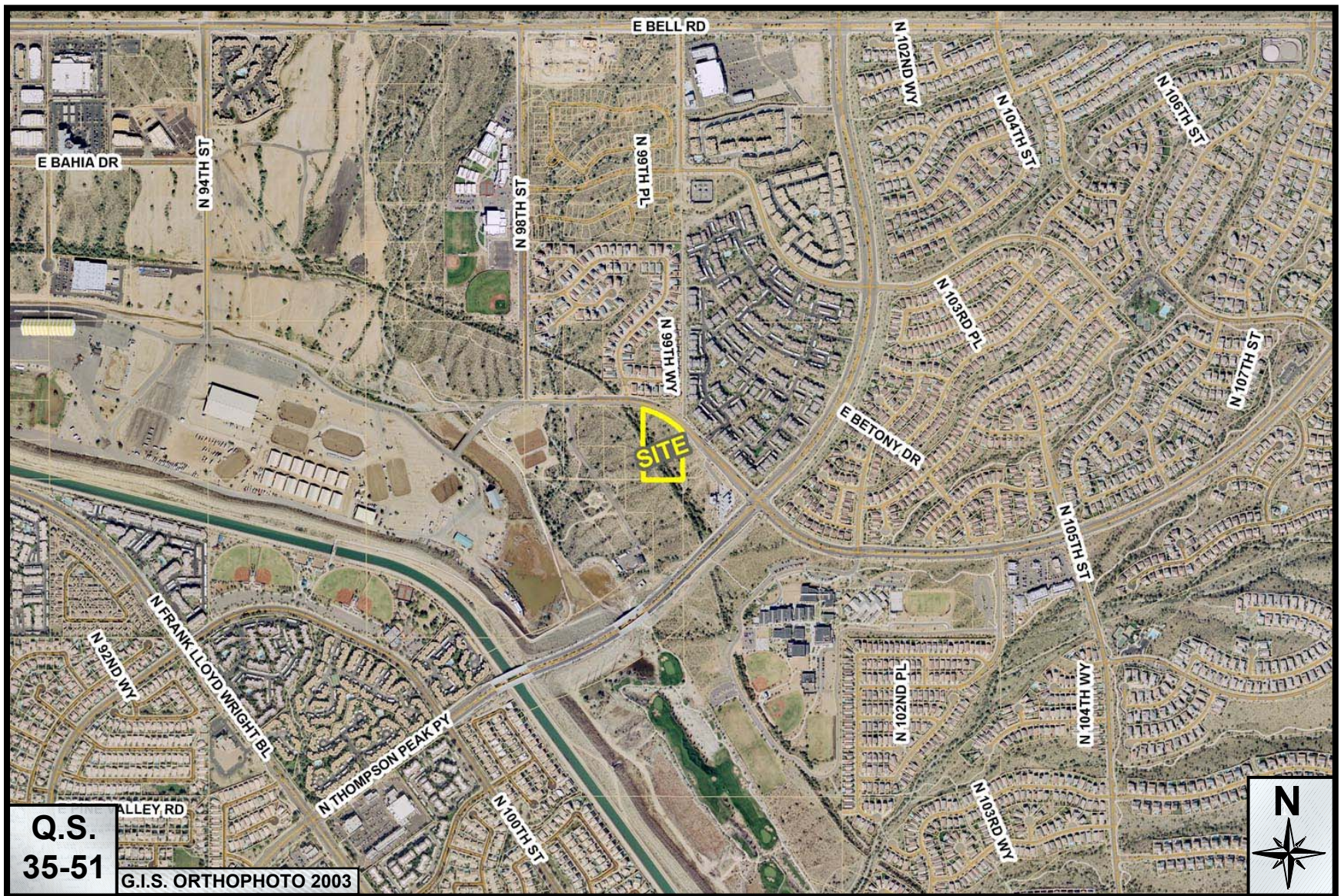
The subject property is in an unique location within the City of Scottsdale surrounded by a variety of land uses including Westworld to the southwest, McDowell Mountain Ranch master planned community to the east and a mix of residential and employment uses to the north and west.

The applicant is justified in applying for its change of use because a substantial number of uses surrounding Westworld are also zoned R-5. It would be unreasonable to maintain the status quo of low density single family residences because there currently is no other single family residences that border Westworld.

The R-5 zoning adequately transitions the more intense use of Westworld to the south, the City of Scottsdale operated events and entertainment venue. McDowell Mountain Ranch Road and the SR zoning to the north of the subject is a buffer to proposed use. The vacant land adjacent to the subject's eastern boundary is currently zoned PCOC, a retail/commercial type use that wraps around the gasoline station and convenience store on the west corner of Thompson Peak Parkway and McDowell Mountain Ranch Rd – normally a transitional use would border this type of property, not single family homes. The State Land adjacent to the subject's southern boundary is scheduled for public auction in the Fall of 2005 – a recent public appraisal concludes with substantial analysis that the highest and best use of the state land is multi-family residential (R-5). The land to the west and south of the subject is currently under application for GP Amendment for uses similar to the subject.

If developed today, the subject parcel has a current zoning which would allow for approximately 1 home per acre - not a land use that is not compatible with 5 of the 6 immediately adjacent uses. The current zoning is a carryover from the former county zoning prior to the City's annexation of the property many years ago. The factors that have occurred since are: 1) the implementation and expansion of Westworld from a local and community equestrian facility into a regional and national events and entertainment venue, promoting private enterprise as an economic venture, 2) the creation of such transportation corridors such as Thompson Peak Parkway, McDowell Mountain Ranch Road, and the 101 Freeway, 3) the development of the industrial centers along the northwestern and southwestern borders of Westworld, 4) the development of multi-family residential development along the subject's entire southern boundry and along Westworld's planned planned northern border, as well as directly northeast of the subject site, and 5) the planned development of the Aquatic Center.

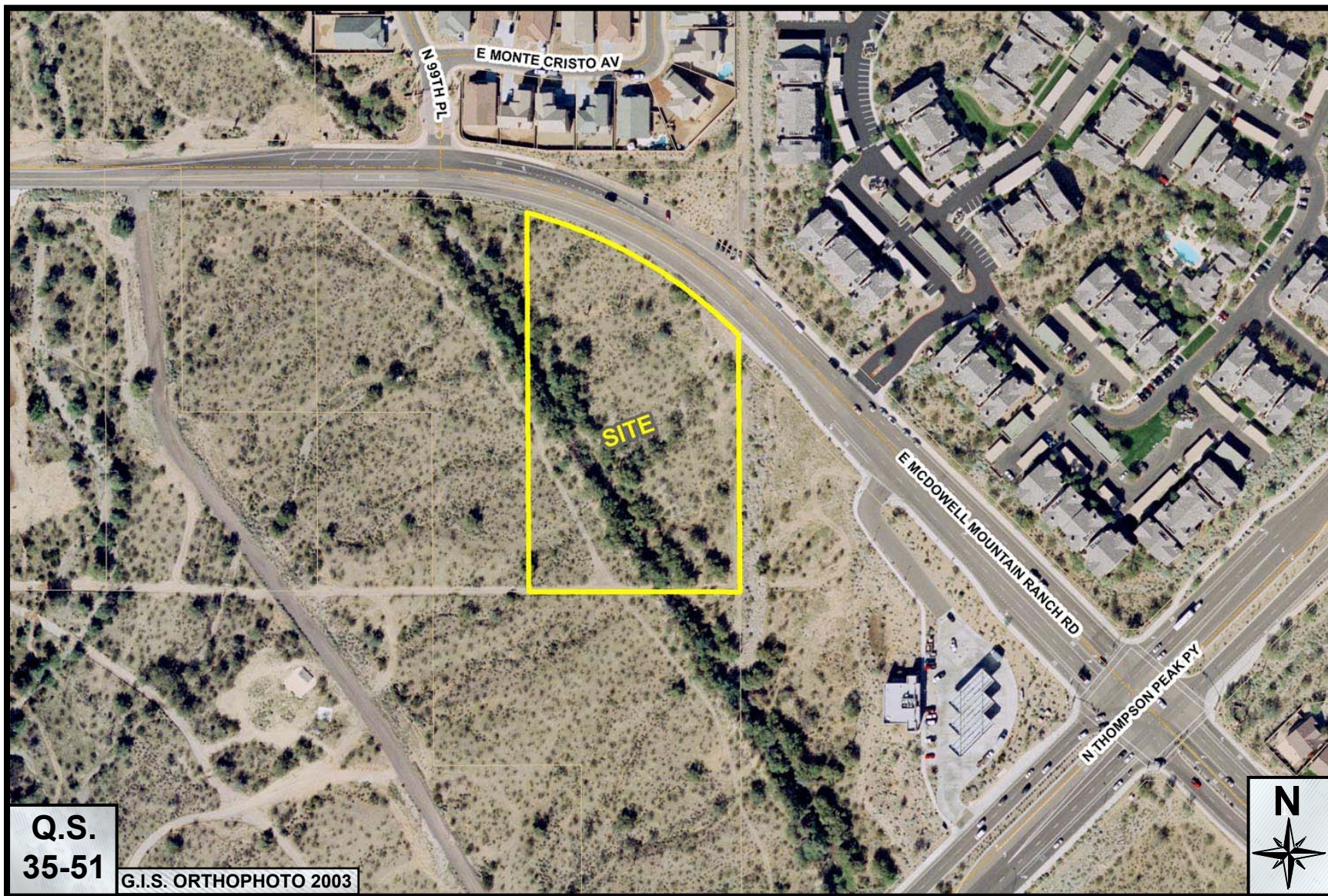
The R-5 zoning is compatible with other uses in the neighborhood, striking a balance between the uses of Westworld and other residential uses. Such use is found directly to the northeast of the subject, and along virtually the entire southern border of Westworld, along the northern planned border, and northeast of the subject.



Equestria Villas

10-GP-2005 & 16-ZN-2005

ATTACHMENT #2



Q.S.
35-51

G.I.S. ORTHOPHOTO 2003

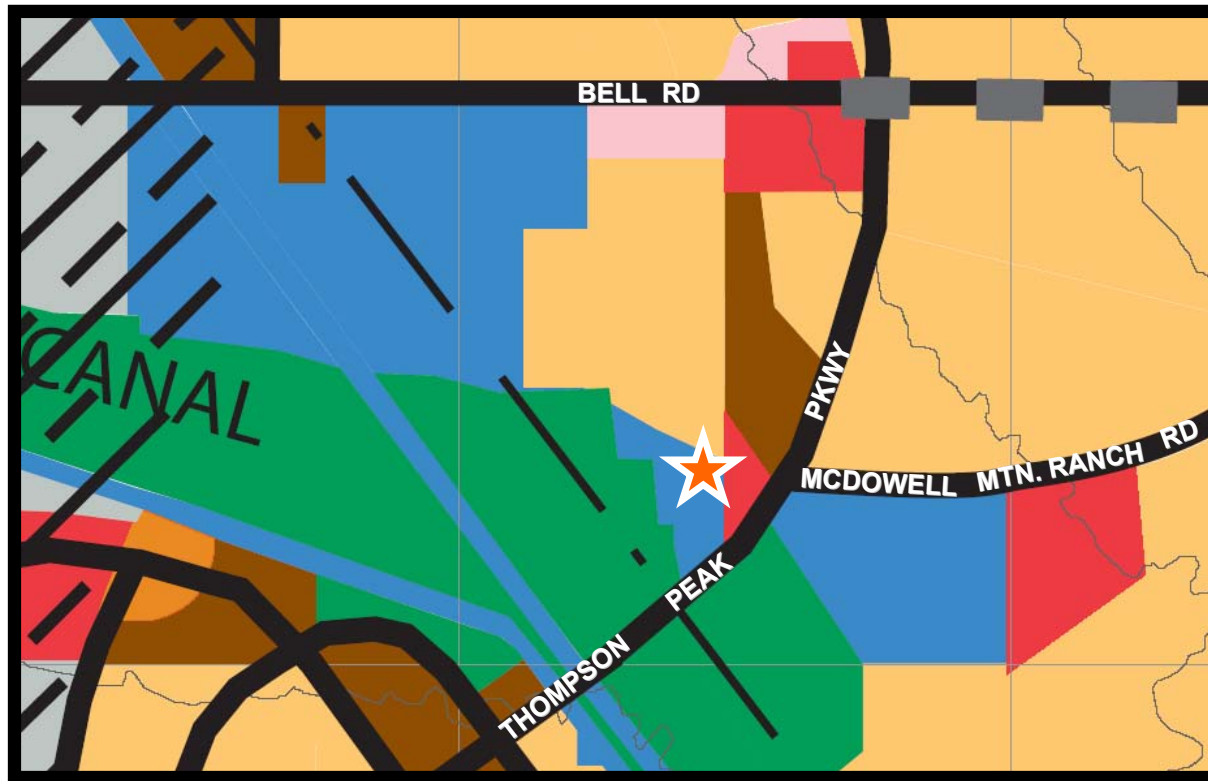


Equestria Villas

10-GP-2005 & 16-ZN-2005

ATTACHMENT #2A

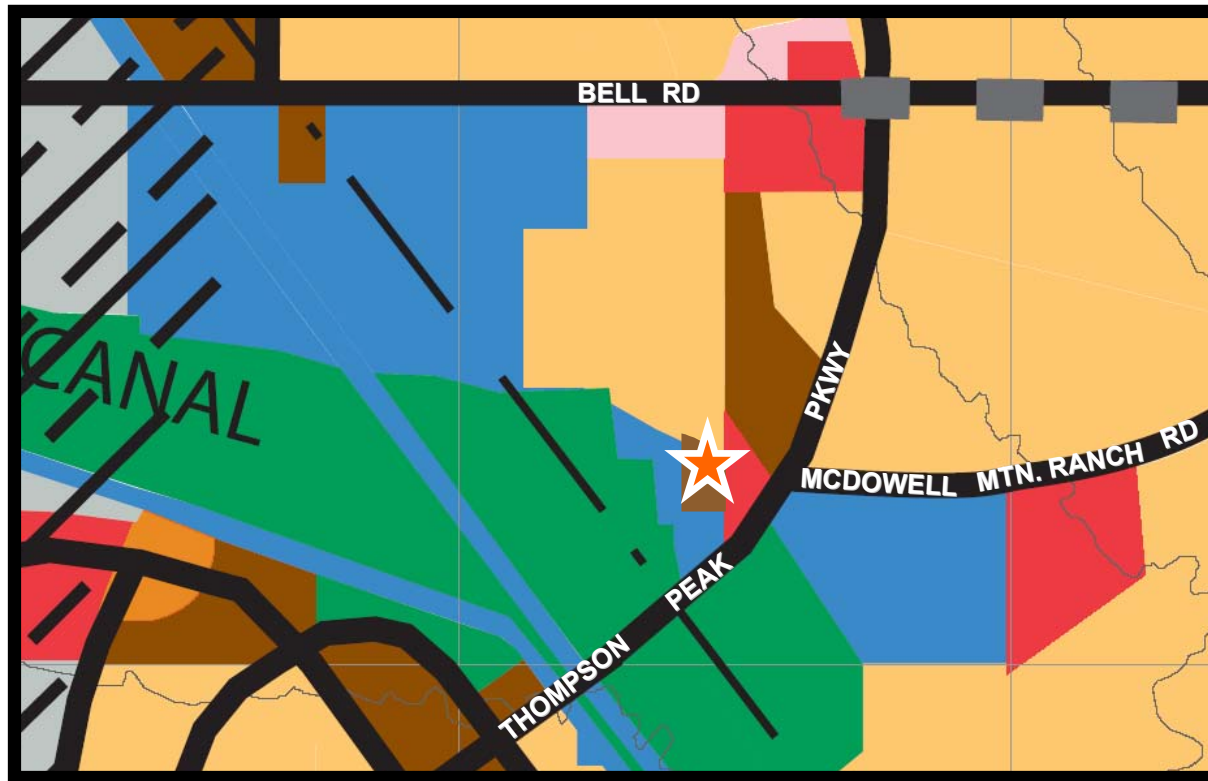
General Plan (Existing)



10-GP-2005
ATTACHMENT #3

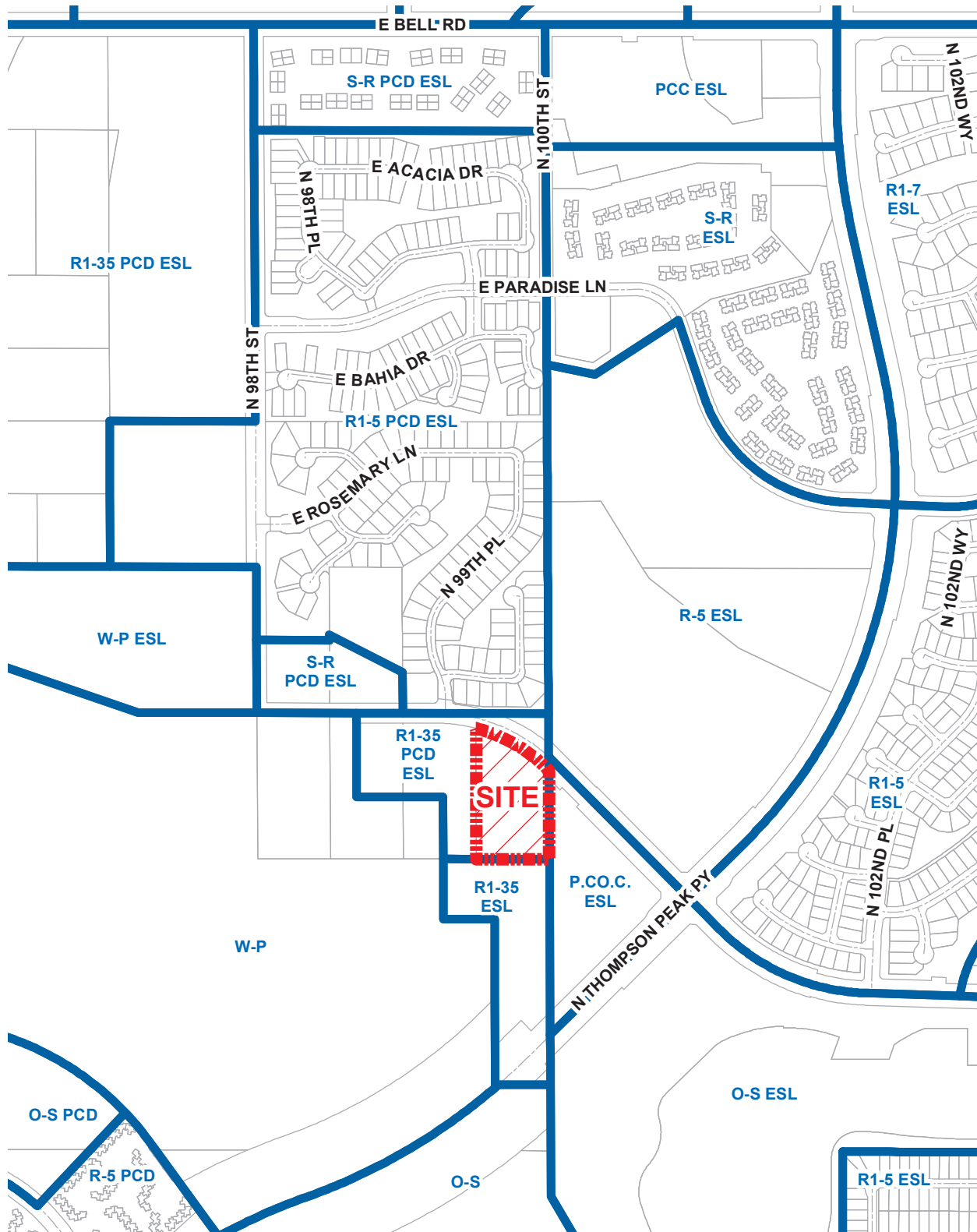
Adopted by City Council October 30, 2001
Ratified by Scottsdale voters March 12, 2002
revised to show McDowell Sonoran Preserve as of May 2004
revised to reflect General Plan amendments through June 2004

General Plan (Proposed)



10-GP-2005
ATTACHMENT #3A

Adopted by City Council October 30, 2001
 Ratified by Scottsdale voters March 12, 2002
 revised to show McDowell Sonoran Preserve as of May 2004
 revised to reflect General Plan amendments through June 2004



10-GP-2005

ATTACHMENT #4



STIPULATIONS FOR CASE 16-ZN-2005

PLANNING/ DEVELOPMENT

1. **CONFORMANCE TO PRIOR ZONING CASE.** The Stipulations for the Planned Community District (PCD) as approved in case #33-ZN-2000 continue to apply. If conflicts arise between those stipulations and these stipulations, these stipulations control.
2. **CONFORMANCE TO SITE PLAN.** Development shall conform with the site plan submitted by George Zajack and staff dated 9/9/05. These stipulations take precedence over the above-referenced site plan. Any proposed significant change, as determined by the Zoning Administrator, shall be subject to subsequent public hearings before the Planning Commission and City Council.
3. **MAXIMUM DWELLING UNITS/MAXIMUM DENSITY.** The number of dwelling units on the site shall not exceed 85 without subsequent public hearings before the Planning Commission and City Council. The density of the site shall not exceed 20 dwelling units per gross acre without subsequent public hearings before the Planning Commission and City Council.
4. **SITE DEVELOPMENT.** Site development shall conform to the character of the existing McDowell Mountain Business Park as in case 1-MP-2001 in regards to canal development standards, parking, driveway and sidewalk design standards and architectural design standards, to the satisfaction of City staff.
5. **VERDE CANAL.** With the Development Review Board submittal, the developer shall provide a landscape plan showing a buffer and preservation corridor, which shall encompass the Verde Canal and all adjacent areas of significant vegetation, to the satisfaction of City staff. Before any certificate of occupancy is issued for the site, the developer shall provide the preservation corridor in conformance with the approved plan, to the satisfaction of City staff.
6. **SALVAGED CANAL INDIGENOUS TREES.** The developer shall utilize salvaged indigenous trees from the canal site for re-vegetation of the Verde Canal preservation corridor and trail, to the satisfaction of the Development Review Board and the City staff.
7. **GLO EASEMENT.** On every plan submittal, the developer shall show existing 33' Government Land Office Roadway and Public Utility Easements, to insure there are no development conflicts.
8. **NOTICE TO PROSPECTIVE BUYERS.** With any proposed contract, the developer shall give the following information in writing to all prospective buyers of lots on the site:
 - a. The property is within the Airport Influence Area.
 - b. The closest distance from the lot to the midpoint of the Scottsdale Airport runway.
 - c. The development's private streets shall not be maintained by the city.
 - d. The city shall not accept any common areas on the site for ownership or maintenance, in a form acceptable to the Airport Director and City attorney.
 - e. Proximity of the WestWorld equestrian facility and potential impacts from the keeping of horses and other associated activities and public events, in a form acceptable to the city attorney.

ENVIRONMENTAL DESIGN

1. **NATURAL AREA OPEN SPACE (NAOS)-IDENTIFICATION.** With the Development Review Board submittal, the developer shall submit a plan for the site identifying the required NAOS and a table identifying, as to each lot and tract, the required amount of NAOS, the percentage of slope, and the type of Lower Desert land form.
2. **NATURAL AREA OPEN SPACE-DEDICATION, CONVEYANCE AND MAINTENANCE.** With the Development Review Board submittal, the developer shall submit documents, to the satisfaction of city staff, showing that all required NAOS shall be dedicated or conveyed in conformance with the Scottsdale Revised Code and permanently maintained as NAOS.
3. **NATURAL AREA OPEN SPACE-STAKING.** Before issuance of any building permit for the site, the developer shall survey all NAOS boundaries and stake all boundaries between NAOS areas and development, in conformance with the approved grading plan. Such surveying and staking shall be subject to inspection and approval prior to construction in each development phase.
4. **NATURAL AREA OPEN SPACE-PROTECTION DURING CONSTRUCTION.** Before any construction on a lot, the developer shall protect the NAOS on and adjacent to the lot to the satisfaction of city staff, so that access to the construction is within the construction envelope or designated driveway.
5. **NATURAL AREA OPEN SPACE-ADJACENT FENCES.** All fences located adjacent to NAOS shall be constructed as view fences with three (3) feet or less of solid, opaque wall above the natural grade.
6. **NATURAL AREA OPEN SPACE-REVEGETATION.** Before final site inspection, the developer shall re-vegetate NAOS in conformance with the Scottsdale Zoning Ordinance, to the satisfaction of city staff.
7. **BOULDERS AND BEDROCK OUTCROPS.** With the Development Review Board submittal, the developer shall submit a plan identifying all boulders larger than four (4) feet in diameter and all bedrock outcrops.
8. **HEIGHT OF NON-INDIGENOUS PLANT MATERIAL.** Non-indigenous plant material which has the potential to reach a mature height greater than 20 feet shall not be planted on the site. A plant list that complies with this stipulation is subject to Development Review Board approval. The developer shall state this stipulation on the final plans.
9. **NON-PROTECTED NATIVE PLANTS.** Native plants which are not protected by the Scottsdale Revised Code native plant provisions, but which are necessary for on-site re-vegetation, are suitable for transplanting, or are necessarily uprooted for road building or similar construction, as determined by city staff, shall be stockpiled during construction and shall be replanted in on-site landscape areas by the developer before the final site inspection.
10. **LOCATION OF INTERNAL STREETS AND DRIVEWAYS.** Before the Development Review Board submittal, the developer shall stake the alignments for all internal streets and driveways subject to inspection by city staff to confirm that the proposed alignments result in the least environmental and hydrological impact. The Zoning Administrator may approve the use of rectified aerial photographs in lieu of on-site staking.
11. **MAINTENANCE AND PRESERVATION-RECORDED AGREEMENT.** Before any building permit for the site is issued, the developer shall record an agreement, satisfactory to city staff, detailing the maintenance and preservation by the developer and its successors of all common areas, landscape buffers, natural areas, drainage easements and private access ways on the site and abutting rights-of-way. These designated areas shall not be accepted for maintenance or be

accepted for ownership by the city without the approval of the City Council.

12. **FINAL CONSTRUCTION ENVELOPES.** Before issuance of any building permit for the site, the developer shall stake the construction envelopes for inspection by city staff. All construction shall take place inside the construction envelopes. With the final plat submittal, the developer shall submit an unrecorded supplemental document identifying the construction envelopes.
13. **MAINTENANCE AND PRESERVATION-RECORDED AGREEMENT.** Before any building permit for the site is issued, the developer shall record an agreement, satisfactory to city staff, detailing the maintenance and preservation by the developer and its successors of all common areas, landscape buffers, natural areas, drainage easements and private access ways on the site and abutting rights-of-way. These designated areas shall not be accepted for maintenance or be accepted for ownership by the city without the approval of the City Council.
14. **PRIVATE STREET CONSTRUCTION.** All private streets shall be constructed to full public street standards, except equivalent construction materials or wider cross-sections may be approved by city staff. In addition, all private streets shall conform to the following requirements:
 - a. No internal private streets shall be incorporated into the city's public street system at a future date unless they are constructed, inspected, maintained and approved in conformance with the city's public street standards. Before any lot is sold, the developer shall record a notice satisfactory to city staff indicating that the private streets shall not be maintained by the city.
 - b. Before issuance of any certificate of occupancy for the site, the developer shall post access points to private streets to identify that vehicles are entering a private street system.
 - c. Secured access shall be provided on private streets only. The developer shall locate security gates a minimum of 75 feet from the back of curb to the intersecting street. The developer shall provide a vehicular turn-around between the public street and the security gate.

CIRCULATION

1. **STREET CONSTRUCTION.** Before issuance of any certificate of occupancy for the site, the developer shall dedicate the following right-of-way and construct the following street improvements, in conformance with the Design Standards and Policies Manual:

Street Name/Type	Dedications	Improvements	Notes
McDowell Mtn. Ranch Road Major Collector	45 ft half (existing)	Half Street, Figure 3.1-5, 36' CL-BC	A
99 th Street Local Commercial	30 ft half	Half Street, Figure 3.1-7, 20' CL-BC	B.

- a. McDowell Mountain Ranch Road: Construct the half street improvements along the site frontage, in conformance to the Major Collector street standard. The cross section and alignment shall be consistent with the existing improvements to the east and coordinated with the planned improvements to the west, to the satisfaction of City staff. An 8-foot wide sidewalk shall be constructed along the site frontage; a public access easement shall be dedicated over any sidewalk that falls outside of the public right-of-way.
- b. 99th Street: Construct the half street improvements for the 99th Street alignment in conformance to the Local Commercial street standard. The improvements shall be coordinated with the planned improvements to the west to the satisfaction of City staff. This street shall provide access to the State Land parcel to the south. The requirements for the construction of 99th Street may be waived in all or in part by the Transportation Department if an alternative access plan for this area is submitted by the property owners and approved by

City staff.

2. **ACCESS RESTRICTIONS.** Before issuance of any certificate of occupancy for the site, the developer shall dedicate the necessary right-of-way, as determined by city staff, and construct the following access to the site. Access to the site shall conform to the following restrictions (distances measured to the driveway or street centerlines):
 - a. McDowell Mountain Ranch Road - There shall be a maximum of two site driveways from McDowell Mountain Ranch Road, with a minimum of 330 feet between the driveways. The location of the driveways shall align with the proposed driveways on the north side of McDowell Mountain Ranch Road or be offset a minimum distance of 125 feet. The developer shall dedicate a one-foot wide vehicular non-access easement on this street except at the approved street entrances.
 - b. 99th Street - There shall be a minimum spacing of 165 feet between driveways. The driveways shall be perpendicular to 99th Street and direct parking along 99th Street shall not be provided.
3. **PEDESTRIAN CIRCULATION PLAN.** With the Development Review Board submittal, the developer shall submit a Pedestrian Circulation Plan for the site, which shall be subject to city staff approval. This plan shall indicate the location and width of all sidewalks and pedestrian pathways.
4. **VERDE CANAL.** With the Development Review Board submittal, the developer shall provide plans for the protection and maintenance of the Verde Canal topographic feature in its natural condition. The Verde Canal and dike location may be modified and/or relocated generally as shown on the site plan submitted by George Zajack and staff dated September 9, 2005, and with the subsequent approval by the Development Review Board and Current Planning Division staff. In conjunction with the relocation, the developer shall maintain minimum thirty-five (35) foot wide of the canal as open space.
5. **MULTI-USE TRAIL.** Before any certificate of occupancy is issued for the site, the developer shall dedicate a 25-foot wide (minimum) public access easement over the alignment of the Old Verde Canal and construct a minimum 8-foot wide multi-use trail along the Verde Canal, as shown on the final site plan approved by the Development Review Board. The trail shall be contained within a minimum 25-foot wide public access easement, which the developer shall dedicate to the city within twelve (12) months of City Council approval. The alignment of the trail shall be subject to approval by the city's Equestrian Coordinator prior to dedication. The trail shall be designed in conformance with the Design Standards and Policies Manual - Landscaping and Parks.

DRAINAGE AND FLOOD CONTROL

1. **CONCEPTUAL DRAINAGE REPORT.** With the Development Review Board submittal, the developer shall submit a conceptual drainage report and plan subject to city staff approval. The conceptual report and plan shall conform to the Design Standards and Policies Manual - Drainage Report Preparation. In addition, the conceptual drainage report and plan shall:
 - a. Identify all major wash corridors entering and exiting the site, and calculate the peak discharge (100-yr, 6-hr storm event) for a pre- versus post-development discharge comparison of ALL washes, which exit the property.
 - b. Determine easement dimensions necessary to accommodate design discharges.
 - c. Demonstrate how the storm water storage requirement is satisfied, indicating the location, volume and drainage area of all storage.
 - d. Include flood zone information to establish the basis for determining finish floor elevations in conformance with the Scottsdale Revised Code.

- e. Include a complete description of requirements relating to project phasing.
2. **FINAL DRAINAGE REPORT.** With the improvement plan submittal to the Project Quality/Compliance Division, the developer shall submit a final drainage report and plan subject to city staff approval. The final drainage report and plan shall conform to the Design Standards and Policies Manual – Drainage Report and Preparation. In addition, the final drainage report and plan shall: meet the terms, comments and conditions specified by staff in the preliminary drainage report.
3. **STORM WATER STORAGE REQUIREMENT.** Before improvement plan approval, the developer shall submit a final drainage report and plan which calculates the storm water storage volume required, V_r , and the volume provided, V_p , using the 100-year, 2-hour storm event.
4. **STORM WATER STORAGE EASEMENTS.** With the Development Review Board submittal, the developer shall submit a site plan subject to city staff approval. The site plan shall include and identify tracts with easements dedicated for the purposes of storm water storage, in conformance with the Scottsdale Revised Code and the Design Standards and Policies Manual.
5. **DRAINAGE EASEMENTS.** Before the issuance of any building permit for the site, the developer shall dedicate to the city, in conformance with the Scottsdale Revised Code and the Design Standards and Policies Manual, all drainage easements necessary to serve the site.

VERIFICATION OF COMPLIANCE

1. **REQUIRED SPECIAL INSPECTIONS.** Before the approval of the improvement plans, the Project Quality/Compliance Division staff shall specify those drainage facilities that shall be required to have Special Inspections, with verification received that adequate installation has occurred, with any upgrades required to be completed by the developer prior to issuance of the certificate of occupancy. See Section 2-109 of the Design Standards and Policies Manual for more information on this process.
2. **CONDITION FOR ISSUANCE OF GRADING & DRAINAGE PERMIT.** Before the issuance of a Grading & Drainage Permit:
 - a. The developer shall certify to the Project Quality/Compliance Division, that it has retained an Inspecting Engineer by completing Part I (Project Information) and Part II (Owner's Notification of Special Inspection) of the Certificate of Special Inspection of Drainage Facilities (CSIDF); and,
 - b. The Inspecting Engineer shall seal, sign and date Part III (Certificate of Responsibility) of the CSIDF.
3. **CONDITION FOR ISSUANCE OF CERTIFICATE OF OCCUPANCY AND/OR LETTER OF ACCEPTANCE.** Before the issuance of a Certificate of Occupancy and/or a Letter of Acceptance:
 - a. The Inspecting Engineer shall seal, sign and date the Certificate of Compliance form.
 - b. The developer shall submit all required Special Inspection Checklists and the completed Certificate of Compliance form to the Inspection Services Division. The Certificate of Compliance form shall be sealed, signed and dated by the Inspecting Engineer, and shall be attached to all required Special Inspection Checklists completed by the Inspecting Engineer.
4. **AS-BUILT PLANS.** City staff may at any time request the developer to submit As-built plans to the Inspection Services Division. As-built plans shall be certified in writing by a registered professional civil engineer, using as-built data from a registered land surveyor. As-built plans for drainage facilities and structures shall include, but are not limited to, streets, lot grading, storm

drain pipe, valley gutters, curb and gutter, flood walls, culverts, inlet and outlet structures, dams, berms, lined and unlined open channels, storm water storage basins and underground storm water storage tanks, bridges as determined by city staff.

WATER

1. **BASIS OF DESIGN REPORT (WATER).** Before the improvement plan submittal to the Project Quality/Compliance Division, the developer shall submit a basis of design report and plan subject to Water Resources Department approval. The basis of design report shall conform to the Design Standards and Policies Manual. In addition, the basis of design report and plan shall:
 - a. Identify the location, size, condition and availability of existing water lines and water related facilities such as water valves, water services, fire hydrants, back-flow prevention structures, etc.
 - b. Identify the timing of and parties responsible for construction of all water facilities.
 - c. Include a complete description of requirements relating to project phasing.
2. **APPROVED BASIS OF DESIGN REPORT.** Before the improvement plan submittal to the Project Quality/Compliance Division, the developer shall have obtained approval of the Basis of Design Report.
3. **NEW WATER FACILITIES.** Before the issuance of Letters of Acceptance by the Inspection Services Division, the developer shall provide all water lines and water related facilities necessary to serve the site. Water line and water related facilities shall conform to the city Water System Master Plan.
4. **WATERLINE EASEMENTS.** Before the issuance of any building permit for the site, the developer shall dedicate to the city, in conformance with the Scottsdale Revised Code the Design Standards and Policies Manual, all water easements necessary to serve the site.

WASTEWATER

1. **BASIS OF DESIGN REPORT (SANITARY SEWER).**). Before the improvement plan submittal to the Project Quality/Compliance Division, the developer shall submit a basis of design report and plan subject to Water Resources Department approval. The basis of design report shall be in conformance with the Design Standards and Policies Manual. In addition, the basis of design report and plan shall:
 - a. Identify the location of, the size, condition and availability of existing sanitary sewer lines and wastewater related facilities.
 - b. Identify the timing of and parties responsible for construction of all sanitary sewer facilities.
 - c. Include a complete description of requirements relating to project phasing.
2. **APPROVED BASIS OF DESIGN REPORT.** Before the improvement plan submittal to the Project Quality/Compliance Division, the developer shall have obtained approval of the Basis of Design Report.
3. **NEW WASTEWATER FACILITIES.** Before the issuance of Letters of Acceptance by the Inspection Services Division, the developer shall extend sanitary sewer lines to 99th Street and provide all sanitary sewer lines and wastewater related facilities as determined by the Basis of Design Report for Wasterwater for this site. Sanitary sewer lines and wastewater related facilities shall conform to the city Wastewater System Master Plan.

4. **SANITARY SEWER EASEMENTS.** Before the issuance of any building permit for the site, the developer shall dedicate to the city, in conformance with the Scottsdale Revised Code and the Design Standards and Policies Manual, all sewer easements necessary to serve the site.

OTHER REQUIREMENTS

1. **ENVIRONMENTAL PROTECTION AGENCY (EPA) REQUIREMENTS.** All construction activities that disturb five or more acres, or less than five acres if the site is a part of a greater common plan, shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Construction Activities. [NOI forms are available in the City of Scottsdale One Stop Shop, 7447 East Indian School Road, Suite 100. Contact Region 9 of the U.S. Environmental Protection Agency at 415-744-1500, and the Arizona Department of Environmental Quality at 602-207-4574 or at web site <http://www.epa.gov/region>.

The developer shall:

- a. Submit a completed Notice of Intent (NOI) to the EPA.
 - b. Submit a completed Storm Water Pollution Prevention Plan (SWPPP) to the EPA.
2. **NOTICE OF INTENT (NOI).** With the improvement plan submittal to the Project Quality/Compliance Division, the developer shall submit a copy of the NOI.
 3. **SECTION 404 PERMITS.** With the improvement plan submittal to the Project Quality/Compliance Division, the developer's engineer must certify that it complies with, or is exempt from, Section 404 of the Clean Water Act of the United States. [Section 404 regulates the discharge of dredged or fill material into a wetland, lake, (including dry lakes), river, stream (including intermittent streams, ephemeral washes, and arroyos), or other waters of the United States.]
 4. **DUST CONTROL PERMITS.** Before commencing grading on sites 1/10 acre or larger, the developer shall have obtained a Dust Control Permit (earth moving equipment permit) from Maricopa County Division of Air Pollution Control. Call the county 602-507-6727 for fees and application information.
 5. **UTILITY CONFLICT COORDINATION.** With the improvement plan submittal to the Project Quality/Compliance Division, the developer shall submit a signed No Conflict form (not required for city owned utilities) from every affected utility company.
 6. **ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY REQUIREMENTS (ADEQ).** The developer shall be responsible for conformance with ADEQ regulations and requirements for submittals, approvals, and notifications. The developer shall demonstrate compliance with Engineering Bulletin #10 Guidelines for the Construction of Water Systems, and Engineering Bulletin #11 Minimum Requirements for Design, Submission of Plans, and Specifications of Sewerage Works, published by the ADEQ. In addition:
 - a. Before approval of final improvement plans by the Project Quality/Compliance Division, the developer shall submit a cover sheet for the final improvement plans with a completed signature and date of approval from the Maricopa County Environmental Services Department (MCESD).
 - b. Before issuance of encroachment permits by city staff, the developer shall provide evidence to city staff that a Certificate of Approval to Construct Water and/or Wastewater Systems has been submitted to the MCESD. This evidence shall be on a document developed and date stamped by the MCESD staff.

- c. Before commencing construction, the developer shall submit evidence to city staff that Notification of Starting Construction has been submitted to the MCESD. This evidence shall be on a document developed and date stamped by the MCESD staff.
- d. Before acceptance of improvements by the city Inspection Services Division, the developer shall submit a Certificate of Approval of Construction signed by the MCESD and a copy of the As-Built drawings.
- e. Before issuance of Letters of Acceptance by the city Inspection Services Division, the developer shall:
 - (1). Provide to the MCESD, As-Built drawings for the water and/or sanitary sewer lines and all related facilities, subject to approval by the MCESD staff, and to city staff, a copy of the approved As-Built drawings and/or a Certification of As-Built, as issued by the MCESD.
 - (2). Provide to the MCESD a copy of the Engineers Certificate of Completion with all test results, analysis results, and calculations, as indicated on the form.
 - (3). Provide to the MCESD a copy of the Request for Certificate of Approval of Construction of water and/or sanitary sewer lines with all appropriate quantities.
 - (4). Provide the city Inspection Services Division a copy of the Certificate of Approval of Construction, as issued by the MCESD.

ADDITIONAL INFORMATION FOR CASE 16-ZN-2005

PLANNING/DEVELOPMENT

1. **DEVELOPMENT CONTINGENCIES.** The approved development program, including density, may be changed due to drainage issues, topography, NAOS requirements, and other site planning concerns which will need to be resolved at the time of preliminary plat or site plan approval. Appropriate design solutions to these constraints may preclude achievement of the proposed development program.
2. **DEVELOPMENT REVIEW BOARD.** The City Council directs the Development Review Board's attention to:
 - a. a plan indicating the treatment of washes and wash crossings,
 - b. wall design,
 - c. the type, height, design, and intensity of proposed lighting on the site, to ensure that it is compatible with the adjacent use,
 - d. signage,
 - e. protection of the Verde Canal and trail provision,
 - f. parking setbacks along the Verde Canal,
 - g. conformance to the Horseman's Park West PCD and MEDCP.

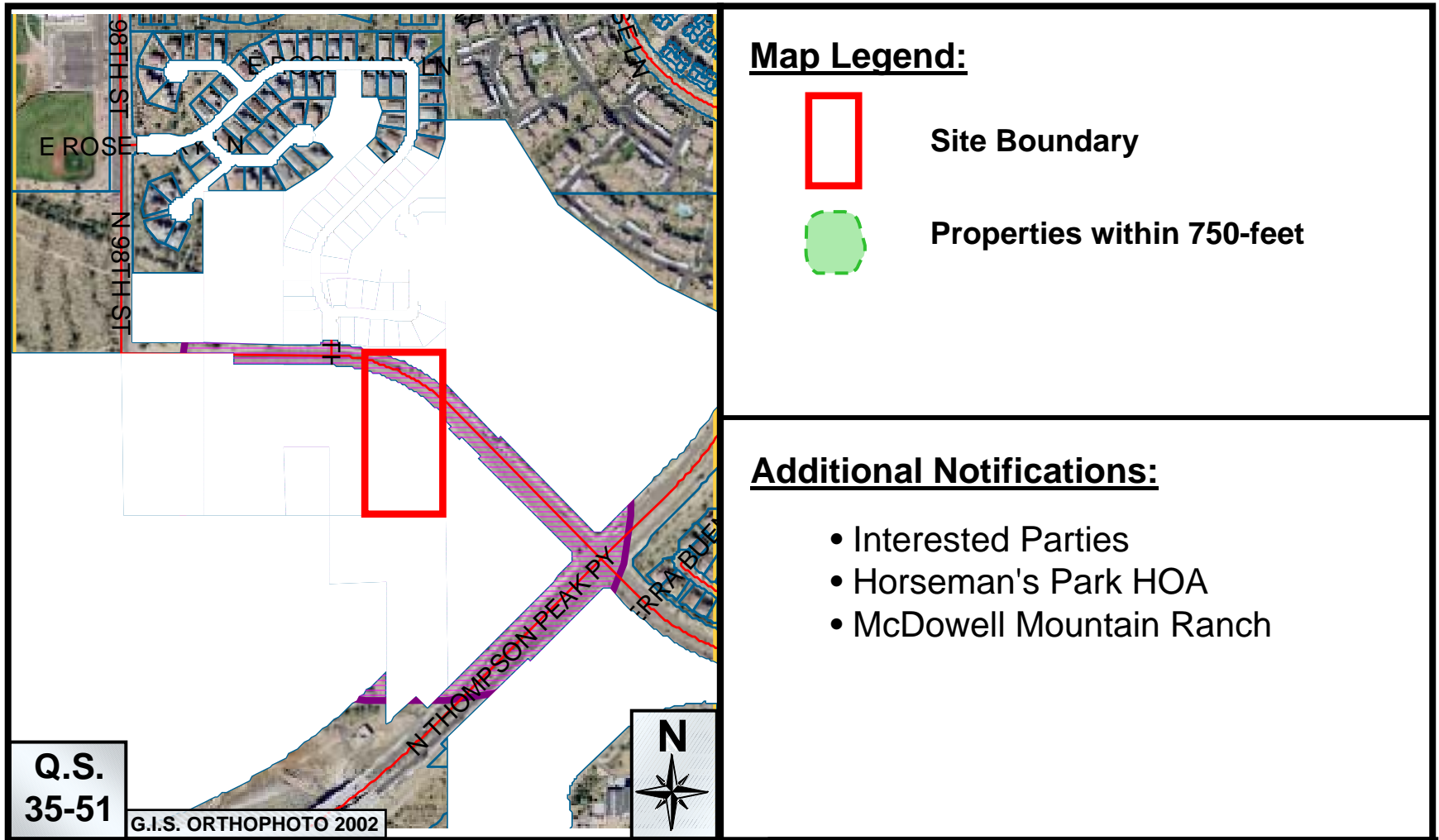
ENGINEERING

1. **RESPONSIBILITY FOR CONSTRUCTION OF INFRASTRUCTURE.** The developer shall be responsible for all improvements associated with the development or phase of the development and/or required for access or service to the development or phase of the development. Improvements shall include, but not be limited to washes, storm drains, drainage structures, water systems, sanitary sewer systems, curbs and gutters, paving, sidewalks, streetlights, street signs, and landscaping. The granting of zoning/use permit does not and shall not commit the city to provide any of these improvements.
2. **FEES.** The construction of water and sewer facilities necessary to serve the site shall not be in-lieu of those fees that are applicable at the time building permits are granted. Fees shall include, but not be limited to the water development fee, water resources development fee, water recharge fee, sewer development fee or development tax, water replenishment district charge, pump tax, or any other water, sewer, or effluent fee.
3. **STREET CONSTRUCTION STANDARDS.** The streets for the site shall be designed and constructed to the standards in the Design Standards and Policies Manual.
4. **CITY CONTROL OF ACCESS.** The city retains the right to modify or void access within city right-of-way. The city's responsibility to promote safe conditions for the traveling public takes precedence over the stipulations above.

Attachment #7 Citizen Involvement

The above attachment is on file at the City of
Scottsdale Current Planning office,
7447 E Indian School Road, Suite 105.

City Notifications – Mailing List Selection Map



Equestria Villas

10-GP-2005 & 16-ZN-2005

Vice-Chairman Steinberg asked Mr. Grant how the City's emphasis on sustainability and LEED certification would affect proposals. Mr. Grant answered that LEED certification is not currently required for private sector projects.

10-GP-2005 (Equestria Villas (San Bacara)), request by owner for a Major General Plan Amendment of the Land Use Element from Cultural/Institutional or Public Use to Urban Neighborhoods on a 4 +/- acre parcel located on the south side of McDowell Mountain Ranch Road, 1/4 mile west of Thompson Peak Parkway (9975 E McDowell Mountain Ranch Road).

Mr. Ward presented the staff report on this case. His presentation included aerial photography showing the rapid growth that has occurred since 1993. He identified the key issues relating to the case. The residential use may not be fully compatible with WestWorld. The Verde Canal runs through the site from northwest to southeast. Hopefully a preservation component of the development will recognize the existence of the historic canal.

Mr. Ward clarified that the cultural/institutional designation is not necessary for WestWorld, since it now seems unlikely that WestWorld would expand onto the property. This case had previously been considered in 2003 and since then many issues have been resolved.

Commissioner Heitel asked if staff could make recommendations about disclosures in perpetuity, so that anyone buying a home would be aware of the existence of WestWorld. Ms. Bronski committed that City Attorney's staff would look into the request and report back to the Commission.

Commissioner Barnett asked how the Verde Canal impacts the property. Mr. Ward replied that this is a historical facility that runs through the subject property and extends over to the Loop 101 frontage road. Opportunities exist for respectful treatment of the canal.

Ms. Susan Bittermansmith appeared on behalf of the Applicant. She noted that the application reflects changes that are taking place in the area. The proposed use would be more in keeping with the area as it is today.

Vice-Chairman Steinberg asked about ingress and egress from the site. Ms. Bittermansmith said they had met with the neighborhood associations that would be impacted. The Applicant is very aware of the need to find a solution to this issue.

Ms. Laurie McCammon addressed the meeting, indicating that she is very pleased with the residential element of the project.

12-GP-2005 (Winstar Pro), request by owner for a Major General Plan Amendment of the Land Use Element from Cultural/Institutional or Public Use to Urban Neighborhoods on a 10 +/- acre parcel located at the southeast corner of 99th Place and McDowell Mountain Ranch Road, 1/4 mile west of Thompson Peak Parkway.

Chairman Gulino noted that the subject property is adjacent to the property in the preceding application. Mr. Ward reported that there is a small area which is not part of either application and whose use is not to be changed.

APPROVED

Mr. Ward presented the staff report. The proposal was similar to the previous application to modify the General Plan. The Verde Canal traverses the property. Some State land is included as part of this application. The State has agreed to proceed with the General Plan amendment.

Mr. Skip Nemick addressed the Commission. The proposal is to build two and three-story homes with garages at ground level, beneath the homes.

Commissioner Heitel recommended disclosure to home buyers so that people would be aware of WestWorld. Mr. Nemick agreed that this needed to be disclosed in the public report.

Mr. Gerry Hrenchir, President of the Horseman's Park Association, addressed the meeting. He expressed major issues with the project, which are also shared by neighbors in McDowell Mountain Ranch. The Applicant had not approached the neighbors to communicate their plans. Major concerns are the development's proximity to WestWorld and the presence of the Verde Canal.

Mr. Hrenchir reported that their neighborhood is surrounded by existing condominium and apartment housing and a major new apartment complex is under development. This development would place pressure on the neighborhood infrastructure. The neighborhood has already seen an increase in crime which he attributed to the existing apartments and condominiums.

Ms. Toby Nydick, a resident of Horseman's Park subdivision said that her back gate is directly across the street from the proposed development. The street is already busy. A traffic survey has already concluded that traffic at McDowell Mountain Ranch and Thompson Peak Parkway is at its maximum capacity. If the amendment is accepted, traffic would increase in an already congested area.

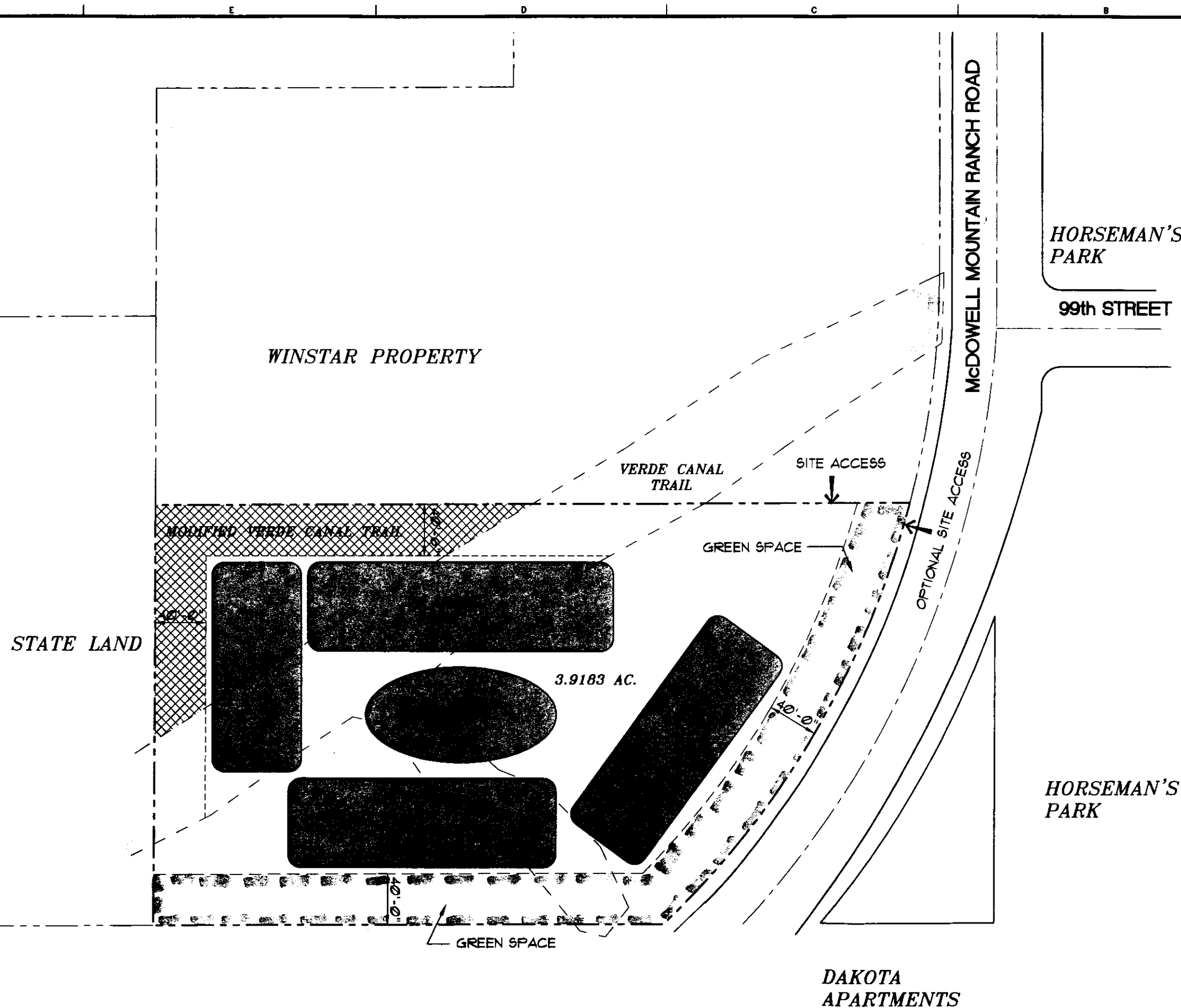
11-GP-2005 (Windmill Pass), request by owner for a major General Plan Amendment of the Land Use Element from Suburban Neighborhoods to Office on a 7.73 +/- acre parcel located on the south side of Carefree Highway west of Scottsdale Road.

Ms. Wauwie presented the staff report. The proposal is for a minor office on a residential scale, one story high. This would create a balance between office and residential uses in the area. Carefree Highway is designated as a scenic corridor, thus a 100-foot scenic corridor easement is required. The major wash on the site would be preserved. Access to the site would be from Carefree Highway, so traffic would be filtered onto Scottsdale Road.

Vice-Chairman Steinberg asked Ms. Wauwie about any staff concerns regarding access to the site. Commissioner Heitel requested a description of the wash area. Commissioner Barnett asked about the setbacks on the scenic corridor and the depth of the parcel under consideration.

Mr. West addressed the meeting. Highlights of his presentation included a site plan. He addressed grading, drainage and flooding issues for the site. He noted that the maximum height for offices under the proposed zoning is 18 feet, lower than the 24 feet permitted for residential property under the current zoning.

APPROVED



OWNER/APPLICANT

JUDY A. THOMAS TRUST
7500 E. LINCOLN DRIVE
SCOTTSDALE, ARIZONA 85250
P. 480-948-3590
F. 480-948-3591

JOHN G. THOMAS

ARCHITECT

LAMB ARCHITECTS
7038 E. 5TH AVENUE
SCOTTSDALE, ARIZONA 85251
P. 480-994-5262
F. 480-994-9005

GEORGE F. ZAJACEK, NCARB, AIA

PROPERTY DESCRIPTION

TH PT LOT 40 / E2 SE4 NE4 SW4 / SEC 5 LY
SULY OF RD DAF BEG NW COR LOT 40 TH E
89.49F TH SELY ALG 196.81F RAD CUR (WH
CHORD BRS 5 60D 21M E) ARC SD E 218.83F
TO E LN LOT 40 TH S ALG SD E LN 123.02F
TH NWLY ALG 106.81F RAD CUR (WH CHORD
BRS N 59D 39M W) ARC SD E 388.14F TO W LN
LOT 40 TH N ALG SD W LN 67.02F TO POB

PROJECT DESCRIPTION

2 AND 3 STORY MULTIFAMILY CONDOMINIUMS

SITE DATA

PARCEL NUMBER: 217-14-039-A
EXISTING ZONING: R1-35 ESL PCD
PROPOSED ZONING: R-5 ESL PCD
GROSS SITE AREA: 187,900 SQ. FT. = 4.314 ACRES
NET SITE AREA: 170,679 SQ. FT. = 3.918 ACRES
PROPOSED BUILDING HEIGHT: 36'-0" MAX.
LOT DENSITY: 18.35 UNITS PER ACRE = 78 UNITS
NAOS PER CITY ORDINANCE: 75% OF GROSS LAND AREA

ATTACHMENT #10

**PRELIMINARY
NOT FOR
CONSTRUCTION**

LambArchitects
7030 E. 5TH AVENUE

SCOTTSDALE, ARIZONA 85251
P: (480) 994-5362 F: (480) 994-0065

Equestria Villas
N. Thompson Peak Parkway &
E. McDowell Mountain Ranch Road
Scottsdale, Arizona 85260

DIAGRAMMATIC SCENE PLAN

[illegible]

A1.0